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6 Attorneys for Defendants County of
Siskiyou; Jeremiah LaRue and Jesus
Fernandez, in their official capacities
7 as members of the Siskiyou County
Sheriff's Department and in their individual
8 capacities; Brandon Criss, Ed Valenzuela,
Michael N. Kobseff, Nancy Ogren, and
9 Ray A. Haupt, in their official capacities
as members of the Siskiyou County Board
10 of Supervisors and in their individual
capacities; Edward Kiernan, in his official
11 capacity as County Counsel for Siskiyou
County and in his individual capacity;
12 and DOES 1-100.

13 UNITED STATES DISTRICT COURT

14 EASTERN DISTRICT OF CALIFORNIA

15 SACRAMENTO DIVISION

16 Dilevon Lo, Jerry Vang, Nathan Thao, Mao
Thao, Pao Lee, Antonio Lee, Koua Lee, Nhia
17 Thai Vang, Zeng Lee, Der Lee and Khue Cha

18 Plaintiffs,

19 vs.

20 County of Siskiyou; Jeremiah LaRue and
Jesus Fernandez, in their official capacities as
members of the Siskiyou County Sheriff's
21 Department and in their individual capacities;
and Brandon Criss, Ed Valenzuela, Michael
22 N. Kobseff, Nancy Ogren, and Ray A. Haupt,
in their official capacities as members of the
23 Siskiyou County Board of Supervisors and in
their individual capacities; Edward Kiernan,
24 in his official capacity as County Counsel for
Siskiyou County and in his individual
25 capacity; and DOES 1-100,

26 Defendants.
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Case No.: 2:21-cv-00999-KJM-DMC

**DEFENDANTS' OBJECTIONS TO THE
AFFIDAVIT OF EDWARD SZENDREY
DATED JULY 14, 2021 (CM/ECF NO. 28)**

Complaint Filed: June 4, 2021

First Amended Complaint Filed: July 15, 2021

Date: August 6, 2021

Time: 10:00 AM

**[FEES EXEMPT PURSUANT TO
GOVERNMENT CODE SECTION 6103]**

Defendants hereby submit their objections to the three affidavits filed to date by Edward Szendrey in support of Plaintiffs' original motion for TRO and preliminary injunction and the current motion for preliminary injunction.

Material Objected To:	Grounds for Objection:	Ruling on Objection:
<p>Affidavit of Edward Szendrey July 15, 2021, ¶4</p> <p>“Siskiyou County asserts water truck owner/operators simply have to obtain a permit from the county in order to provide water to Hmong people to meet their basic living needs. The process is not as simple as the county asserts.”</p>	<p>Lacks foundation.</p> <p>Speculation.</p> <p>Hearsay. (FRE 801)</p> <p>Inadmissible opinion. (FRE 701)</p> <p>Prejudicial, confusing and misleading (FRE 403)</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>
<p>¶7</p> <p>“I obtained a copy of the County of Siskiyou, Community Development Department, Application for Groundwater Extraction for Use Off-Site. (See Application for Groundwater Extraction, attached here as Exhibit A) The application is a four page document which requires a property owner to designate the parcel from which water is extracted and the parcel to which water is to be delivered and the owner of that parcel. The person receiving the water must be a property owner.”</p>	<p>Lacks foundation.</p> <p>Speculation.</p> <p>Hearsay. (FRE 801)</p> <p>Inadmissible opinion. (FRE 701)</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>
<p>¶8</p> <p>“The vehicle delivering the water must also be identified in the application. The application does not provide for water to be delivered to other parcels by any other vehicle. The purpose of the use of the groundwater is required to be specified.”</p>	<p>Lacks foundation.</p> <p>Speculation.</p> <p>Inadmissible opinion. (FRE 701)</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>
<p>¶9</p> <p>“In other words, in addition to the Water Tender Permit, the water truck owner/operator must also have an agreement with a permitted property owner that specifies which parcels and parcel owners the water is to be distributed to. The permitted property</p>	<p>Lacks foundation.</p> <p>Speculation.</p> <p>Hearsay. (FRE 801)</p> <p>Inadmissible opinion. (FRE 701)</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>

1	owner must have a separate permit for each water truck owner/operator he or she provides groundwater to.”		
2	¶12	Lacks foundation.	Sustained: _____
3	“In a practical sense, to provide	Speculation.	Overruled: _____
4	sufficient water for several thousand	Hearsay. (FRE 801)	
5	people and their animals and vegetable	Inadmissible opinion. (FRE 701)	
6	crops, it would take numerous permits to provide water to the Mount Shasta Vista subdivision.”		
7	¶13	Hearsay. (FRE 801)	Sustained: _____
8	“I have spoken with residents of the	Prejudicial, confusing and	Overruled: _____
9	Mount Shasta Vista subdivision who	misleading (FRE 403)	
10	fear providing owner and parcel	Irrelevant.	
11	information would open them up to		
12	warrantless inspection by the county.		
13	They further expressed concern that		
14	without a specific waiver, the property		
15	owner would be in violation for		
16	providing water that was being sent to		
17	another parcel. Another concern was		
18	possibly facing civil liability if anyone		
19	suffered harm getting water from		
20	them.”		
21	¶14	Lacks foundation.	Sustained: _____
22	“Because the water truck owner	Speculation.	Overruled: _____
23	operators would have to traverse	Inadmissible opinion. (FRE 701)	
24	County Road A12 to service the		
25	Mount Shasta Vista subdivision, they		
26	would be subject to continuous law		
27	enforcement detentions and		
28	inspections of their vehicles.”		
29	¶15	Hearsay. (FRE 801)	Sustained: _____
30	“On June 24, 2021, I contacted	Prejudicial, confusing and	Overruled: _____
31	Siskiyou County Supervisor Michael	misleading (FRE 403)	
32	Kobseff and Siskiyou County Sheriff	Irrelevant.	
33	Jeremiah LaRue by e-mail attempting		
34	to establish a dialog between the		
35	County and the Hmong residents of		
36	Mount Shasta Vista subdivision on the		
37	subject of water. In my request, I		
38	proposed the County set up water		
39	distribution centers at the fire stations		
40	near Mount Shasta Vista, in order to		
41	address the immediate concern of lack		
42	of water for personal use, for animals,		
43	and for growing vegetables. I		
44	understand the local fire stations have		
45	water tanks. I informed Kobseff and		
46	LaRue in my emails that not all the		

1	people affected by the new water restrictions grow cannabis, and that the residents of Mount Shasta Vista		
2	have no place to go to get water, much less get it legally, and that if someone		
3	with a well fills a bottle for their neighbor, they are in violation of the ordinance. I informed Kobseff and		
4	LaRue that many people in the Shasta Vista subdivision are desperate for		
5	water, and that there is a great humanitarian need that should be addressed. I did not receive a reply		
6	from either Mr. Kobseff or Sheriff LaRue. True and correct copies of the emails that I sent to Mr. Kobseff and		
7	Sheriff Larue are attached hereto as Exhibit B.”		
8	¶17	Speculation.	Sustained: _____
9	“Attached hereto as Exhibit D is a true and correct copy of a photograph of a T-shirt that I have determined is being	Inadmissible opinion. (FRE 701)	Overruled: _____
10	sold in Siskiyou County to celebrate the Siskiyou County Sheriff and his bulldozing of properties in Hmong	Lacks foundation.	
11	communities”	Prejudicial, confusing and misleading (FRE 403)	
12	¶18	Irrelevant.	Sustained: _____
13	“Attached hereto as Exhibit E is a true and correct copy of a letter that I sent to Congressman Doug LaMalfa on	Hearsay. (FRE 801)	Overruled: _____
14	June 23, 2021, advising him of the humanitarian crisis that is developing in the Mount Shasta Vista subdivision		
15	as a result of Siskiyou County outlawing water trucks from servicing the subdivision, and requesting that he		
16	encourage the County to address the immediate concern for water for the basic needs of the people living in the		
17	subdivision.”		
18	¶19	Irrelevant.	Sustained: _____
19	“On Monday, June 28, 2021, I received a call at 2:24 PM from Siskiyou County farmer Steve Grisct	Hearsay. (FRE 801)	Overruled: _____
20	advising me the Lava Fire was entering the Mount Shasta Vista subdivision. Grisct informed me,	Prejudicial, confusing and misleading (FRE 403)	
21	however, that Cal Fire units were lined up on County Road A12 and not entering the subdivision. Mr. Grisct		
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<p>informed me he was opening his well for the Hmong water trucks to get water. He said he could only fill one truck at time because someone had removed a valve from his second line. At 2:27 PM I received a call from Ntshuab Yaj who advised me she would join Mr. Griset in coordinating the efforts of the water trucks. I received an unconfirmed report the water truck drivers were being ordered to evacuate the subdivision along with the other residents.”</p>		
<p>¶20</p> <p>“On Tuesday, June 29, 2021, I received a call at 8:50 AM from Mr. Griset who advised me that the power to the Mount Shasta Vista area was shut off around 2:00 AM which left him unable to continue pumping water to the trucks. Shortly after 9:00 AM, Mai Yang showed me a video recording of a Siskiyou County Deputy Sheriff speaking with Hmong persons. The Deputy stated that Cal Fire would not enter the subdivision unless all the Hmong evacuated. My wife Georgie Szendrey and I entered the Mount Shasta Vista Subdivision to observe the firefighting efforts to put out what is called the Lava Fire. We were driven through the area by Hmong residents of the subdivision. I observed areas within the subdivision to be burned and other areas that had not been affected by the fire. I observed Hmong residents putting out small fires with buckets of water, throwing dirt on burning trees, and dowsing spot fires with water from water trucks. I overheard cell phone communications where the Hmong were coordinating their firefighting efforts. We spoke with residents who had been up for over twenty-four hours fighting the fires. Our escorts made frequent stops to assist others in putting out spot fires. Several water trucks were involved in coordinated efforts to put out flare ups. In the two hours we were in the subdivision, I observed approximately thirty separate efforts to extinguish flare ups by the Hmong citizens. I observed where</p>	<p>Irrelevant.</p> <p>Hearsay. (FRE 801)</p> <p>Prejudicial, confusing and misleading (FRE 403)</p> <p>Inadmissible opinion. (FRE 701)</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>

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homes had been saved. I also observed a number of cannabis grows that had been destroyed. The Hmong made no effort to save the grows. Attached hereto as Exhibit F are true and correct copies of photographs that my wife took while I was with her in the Shasta Vista subdivision while the Lava Fire was burning.”		
¶21 “At around 1:45 PM, I observed three Cal Fire Units at the home of Russel Mathis. It should be noted I know Mr. Mathis to be Anglo/Asian in ancestry. His appearance is Caucasian. I called Mr. Mathis and he informed me he had evacuated the night before, but returned in the morning and was allowed to return to his home with Cal Fire. For the next hour we traveled through many areas within the subdivision observing the efforts by the Hmong to put out the fire. At 2:50 PM I observed two Cal Fire engines with crews engaged in what appeared to be addressing an area that was still smoldering. At 2:55 PM, I observed five or six Cal Fire units staged on Mt. Shasta Vista Road. They were not engaged in any active firefighting effort. My wife Georgie Szendrey took photographs in my presence (see Exhibit F). I later spoke with local resident Darren Duck who lives on County Road A12 near the entrance to the Mount Shasta Vista subdivision. He advised me that on June 28, 2021, Cal Fire trucks were lined up on County Road A12 but were not entering the subdivision. However, he did observe Cal Fire units entering the subdivision on this day. I was informed Hmong water truck drivers had been prevented from coming into the area by deputies stationed at County Road A12 and Big Springs Road. At approximately 4:00 PM, I contacted a Siskiyou County Deputy Sheriff who was stationed at that location. He advised me that unless the truck drivers had a permit from Cal Fire they would not be let in. He advised me that the drivers would have to go to the Cal Fire command	Irrelevant. Hearsay. (FRE 801) Prejudicial, confusing and misleading (FRE 403) Inadmissible opinion. (FRE 701)	Sustained: _____ Overruled: _____

	center in Weed to obtain the permit.”		
1	¶22	Irrelevant.	Sustained: _____
2	“On June 30, 2021, Mr. Griset advised	Hearsay. (FRE 801)	Overruled: _____
3	me power had been restored to west of		
4	him but not to his farm, the Ellison	Prejudicial, confusing and	
5	Farm, and the Shasta Vista	misleading (FRE 403)	
6	subdivision. He stated he could not	Inadmissible opinion. (FRE 701)	
7	believe the two irrigators who were in		
8	litigation with the county were the		
9	only ones without power		
10	at that time.”		
11	¶23	Irrelevant.	Sustained: _____
12	“On July 1, 2021, at approximately	Hearsay. (FRE 801)	Overruled: _____
13	4:30 PM, Mr. Griset advised me the		
14	power was back on. He stated he	Prejudicial, confusing and	
15	heard in a media report that the lack of	misleading (FRE 403)	
16	water was hampering Cal Fire’s effort	Inadmissible opinion. (FRE 701)	
17	to fight the fire. He stated he was		
18	willing to fill the Cal Fire trucks and		
19	was wanting to get that message to		
20	them. After several unsuccessful		
21	attempts to reach Cal Fire by phone I		
22	was able to connect with a dispatcher		
23	at the City of Weed Police		
24	Department. The dispatcher told me		
25	she had direct contact with Cal Fire		
26	and would pass on the message. I		
27	learned from a reliable source the		
28	message was also given to the public		
	information officer of Cal Fire.”		
17	¶24	Irrelevant.	Sustained: _____
18	“On July 6, 2021 I spoke with	Hearsay. (FRE 801)	Overruled: _____
19	Shannon Spencer of the Ellison Farm.		
20	She stated the Ellison’s had made a	Prejudicial, confusing and	
21	similar offer to Cal Fire. She said	misleading (FRE 403)	
22	however, a fireman with Cal Fire, who	Inadmissible opinion. (FRE 701)	
23	had received water in the past, told her		
24	he was told by a Deputy Sheriff not to		
25	get water from the Ellison’s. Cal Fire		
26	did not comply with the Deputy		
27	Sheriff and serviced their trucks from		
28	the Ellison’s well.”		
23	¶25	Inadmissible opinion. (FRE 701)	Sustained: _____
24	“Based on my investigation, the	Lacks foundation.	Overruled: _____
25	Grisets¶ and Ellisons¶ wells are two of		
26	the highest producing wells in	Prejudicial, confusing and	
27	Siskiyou County. Both are in close	misleading (FRE 403)	
28	proximity to the Lava Fire. Both have	Irrelevant.	
	been a target of Siskiyou County’s		
	water ordinances and are currently in		
	litigation with the county. As of the		

1	date of this affidavit, Cal Fire has not taken either of them up on the offer of water to help fight the local fires.”	Hearsay. (FRE 801)	
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3	¶26	Lacks foundation.	Sustained: _____
4	“As of the date of this affidavit Cal Fire has not taken Mr. Griset up on the offer of water to help fight the local fires.”	Speculation.	Overruled: _____
5		Hearsay. (FRE 801)	
6	¶27	Hearsay. (FRE 801)	Sustained: _____
7	“On July 6, 2021, I met with Bao Kelly Xiong and interviewed her regarding her vehicle being seized when she was transporting water to her home on June, 18, 2021. Ms. Xiong lives in the Mount Shasta Vista subdivision of Siskiyou County. Ms. Xiong stated she is 54 or 56 years old, she is not sure. She lives alone and her only income is that provided to her by her children.”	Irrelevant.	Overruled: _____
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9	¶28	Hearsay. (FRE 801)	Sustained: _____
10	“Ms. Xiong stated since the restrictions on water have been imposed for residents in the Mount Shasta Vista subdivision she has had to beg and borrow water to meet her personal needs. On the night of June 18, 2021, she went to a friends for water. She stated she has two orange containers she normally uses to transport water in her pickup truck. She does not know exactly how many gallons of water they collectively hold but her friends told her it is less than 100 gallons, and she could carry more. Based on what her friends told her she bought what she described as a 30-gallon black trash barrel which she also filled with water. Ms. Xiong said she had two medium sized ice chests which she decided to fill with water as well. She had no idea exactly how much water she had.”	Irrelevant.	Overruled: _____
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12	¶29	Hearsay. (FRE 801)	Sustained: _____
13	“That evening at 9:00 PM, Lake Shastina Police Officer M. Yates, #408, stopped her on Big Springs Road. She stated the officer asked her for her drivers license and insurance.	Irrelevant.	Overruled: _____
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He told her she was over the limit of water allowed. She said she offered to dump the excess water. Ms. Xiong stated the officer told her to get out of her vehicle ‘for paperwork.’”		
¶30 “Ms. Xiong stated after exiting her vehicle the officer had her sit in the back of his patrol car. The door was locked. After she was placed in the back of the patrol car the officer searched her vehicle. He removed a small suitcase and her purse from the vehicle. She said he then searched through the suitcase which contained her traditional Hmong costume and silver neckless. He then opened up her purse and searched it.”	Hearsay. (FRE 801) Irrelevant.	Sustained: _____ Overruled: _____
¶31 “The officer then had a tow truck come and tow her vehicle away. She said she had some cooking utensils and other things she recently purchased inside the vehicle. Her keys to her home were also on the key ring which was in the vehicle. The title to her property was also in the vehicle.”	Hearsay. (FRE 801) Irrelevant.	Sustained: _____ Overruled: _____
¶32 “Officer Yates issued her a citation for a violation of Siskiyou County Ordinance 3-4-1501, Carrying more than 100 gallons of water on Big Springs Road. The citation noticed her to appear in court on August 10, 2021. He also issued her a property receipt for her vehicle. It should be noted the property receipt does not mention the water containers or their capacity.”	Hearsay. (FRE 801) Irrelevant.	Sustained: _____ Overruled: _____
¶33 “Ms. Xiong stated that while sitting in the back of the patrol car her heart started beating fast. After the officer let her out of the patrol car her heart continued to beat fast, she started feeling chest pains, and suffered cramps in her arms and legs. She said she pounded on the officer’s window asking for help. Officer Yates told her not to be scared as he was not going to arrest her. The officer did call for fire rescue and an ambulance which	Hearsay. (FRE 801) Irrelevant.	Sustained: _____ Overruled: _____

1	arrived. They offered to take her to a hospital, but she declined. The nurse told the officer Ms. Xiong was		
2	probably scared. Ms. Xiong said the firemen remained with her until her		
3	daughter, True Lee could arrive to take her home. She stated she was		
4	unable to eat for a week after the incident. She stated she has never been		
5	in trouble with law enforcement before. Ms. Xiong stated her vehicle		
6	was her only mode of transportation. Ms. Xiong has a language barrier. He		
7	primary language is Hmong. She stated she understood about 80% of		
8	what the officer said.”		
9	¶34	Hearsay. (FRE 801)	Sustained: _____
10	“Ms. Xiong was born at the military headquarters of the U.S. Secret War in	Irrelevant.	Overruled: _____
11	Long Chiang, Laos. Her father was a soldier in the U.S. Secret Army. Her		
12	mother passed away when she was five or six years old. She fled with her	Prejudicial, confusing and misleading (FRE 403)	
13	father and they lived in the jungle. In 1979 they crossed the Mekong River		
14	into Thailand on a long raft. She said they were very poor and lived		
15	alongside of the river for some time before being taken to the refugee		
16	camp at Ban Vanai. She attended high school in Ban Vanai where she met		
17	her husband. She was thirteen and her husband was sixteen when they got		
18	married. They lied about their age so they could qualify to go to the United		
19	States. In June of 1984 they came to the U.S. and settled in Rochester,		
20	Minnesota. She lived in Arkansas for nine years then moved to Sacramento,		
21	California. Four years ago, she divorced her husband and purchased		
22	property in Mount Shasta Subdivision.”		
23	¶35	Hearsay. (FRE 801)	Sustained: _____
24	“On Tuesday, July 6, 2021, I received a phone call from Mee Vang asking	Irrelevant.	Overruled: _____
25	me to come see her property which suffered damage in the Lava Fire. I		
26	met with Mee Vang, her husband Vang Vang, son Brandon Yang, and		
27	Daughter in Law Gao Lor at 13554 Heinzelman Road which is located in		
28	the Mount Shasta Vista subdivision.		

1	Located on the property is a triple		
2	wide modular home which appeared to		
3	be in the process of being installed on		
4	the property. The home did not appear		
5	to have suffered fire damage, however		
6	the area surrounding the house had		
7	sever fire damage. In addition to trees		
8	and vegetation I observed the remains		
9	of what appeared to be the top of a		
10	well, and air conditioner, and two		
11	large water tanks destroyed by the		
12	fire.”		
13	¶36	Irrelevant.	Sustained: _____
14	“I also observed a what appeared to be	Inadmissible opinion. (FRE 701)	Overruled: _____
15	a small dwelling, a number of out		
16	buildings, appliances, and furniture to	Lacks foundation.	
17	be completely destroyed by fire. I		
18	observed an open shipping container		
19	which was damaged in the fire as		
20	well.”		
21	¶37	Hearsay. (FRE 801)	Sustained: _____
22	“Brandon Yang said he spent his life	Irrelevant.	Overruled: _____
23	savings on the triple wide modular		
24	home. He described the fact it came		
25	out of the fire with no real damage as		
26	a miracle. He said the home was		
27	moved onto the property only three		
28	weeks earlier. He is in the process of		
29	finishing the installation. Gao Lor		
30	stated the storage container was full of		
31	new furniture and appliances which		
32	were destroyed in the fire. She also		
33	pointed out the well and stated the		
34	pressure tank, pump controls, and		
35	filter were destroyed in the fire.”		
36	¶38	Hearsay. (FRE 801)	Sustained: _____
37	“Mee Vang and Vang Vang pointed	Irrelevant.	Overruled: _____
38	out the remains of the temporary		
39	dwelling in which they were living.		
40	They said all their possessions were		
41	destroyed.”		
42	¶39	Hearsay. (FRE 801)	Sustained: _____
43	“Brandon Yang lamented that it was	Irrelevant.	Overruled: _____
44	not far from his home Hmong water		
45	trucks were stopped by Sheriff’s		
46	deputies and not allowed to fight the		
47	fire. He believes if they had not been		
48	prevented from fighting the fire his		
49	possessions would not have been		
50	lost.”		

1	¶40	Lacks foundation.	Sustained: _____
2	“Attached hereto as Exhibit G are true	Irrelevant.	Overruled: _____
3	and correct copies of photographs that		
4	my wife took in my presence in		
	connection with my interview with		
	Mee Vang and her family regarding		
	their loss from the fire.”		
5	¶41	Hearsay. (FRE 801)	Sustained: _____
6	“On July 8, 2021, I interviewed Zurg	Irrelevant.	Overruled: _____
7	Xiong, age thirty-three, by phone. At		
8	the time of my interview, Zurg had		
9	stationed himself in front of the		
10	Siskiyou County Courthouse in Yreka,		
	California, and was on the third day of		
	a hunger strike. Zurg is protesting		
	Siskiyou County’s response to the		
	Hmong population of the Mount		
	Shasta Vista Subdivision.”		
11	¶42	Hearsay. (FRE 801)	Sustained: _____
12	“I asked Zurg what his purpose was of	Irrelevant.	Overruled: _____
13	going on a hunger strike. He replied;		
14	“As a very small minority group, even	Prejudicial, confusing and	
15	among the majority Asian group, our	misleading (FRE 403)	
16	voice has been silenced by the local		
17	government here. The Board of		
18	Supervisors and the specially		
19	appointed, not elected, Sheriff LaRue,		
20	have been spreading propaganda and		
21	rumor. And they killed one of our		
22	brothers. And it's the killing of our		
23	Hmong brother. He's not my brother,		
24	but he's our brother. I don't even know		
25	his name and I don't even know his		
26	face. But that murder was the		
27	culmination of the escalation of		
28	tensions between our small Asian		
	community and the wider		
	predominantly white community.		
	These tensions have been actively		
	stoked, encouraged and maybe even		
	unofficially directed by the local		
	government. We have seen threats of		
	mass arson, domestic terrorism from		
	locals like there are on Siskiyou		
	County Sheriff's Office, Facebook		
	page. They've been using vigilante		
	volunteers, many of them I suspect are		
	white supremacists. Anti-Asian groups		
	from Washington and Oregon to come		
	in, come to our private roads and		
	destroy our private property,		
	unconstitutional acts. And this all		

1 started from LaRue being appointed
2 and saying, look, go after the water.
3 Now, I don't know about you, but a
4 specially appointed Sheriff in a
5 position of such power by a Board of
6 supervisors, five or six people who
7 says go after the water. That sounds
8 like a tyrannical, despotic future to
9 me. It's a government overreach. And
10 I honestly believe it's an
11 unconstitutional attack on human
12 rights. And they initiated all of this
13 because of that. So the tension started
14 when that happened. And then we had
15 a protest a few months ago. When we
16 went marching, I actually said in my
17 speech. I said they're going to go after
18 the water. They're going to burn us out
19 because they've been threatening to
20 burn us out. And then one of the
21 police officers are going to shoot us
22 dead because of the tensions are so
23 high. And that's exactly what
24 happened. And that happened at the
25 same time. And they're lying about it.
26 They're lying about it because they
27 know that they control the media here,
28 the local media. They control the
newspapers, and they know that our
people we're so small, even among the
Asian minorities. And we have no
money. We have no political clout.
We have no media contacts. So the
only thing I can do as a young leader
for my people is to go on a hunger
strike, the most extreme form of
nonviolent protest, to get our voice
across, to get our side of the story and
to give us a platform. And I want to
show the people who have been
propagandized, who've been lied to,
that I am somebody that they didn't
take seriously and I am somebody
who is willing to die to tell the truth.
Compare that to somebody like a
specially appointed unelected official,
like La Rue and the Board of
Supervisors of Siskiyou County who
have had an iron grip on this county
for centuries. That's why I'm doing it.
That's why I'm on hunger strike. And I
told these people I'm prepared to die in
front of the American courthouse just
to prove the point that this is not
justice."

1	¶43	Hearsay. (FRE 801)	Sustained: _____
2	“Zurg stated he has lived in Mount	Irrelevant.	Overruled: _____
3	Shasta Vista Subdivision for nine		
4	months I asked him to take me step by	Prejudicial, confusing and	
5	step how things built up that brought	misleading (FRE 403)	
6	him to his hunger strike. He replied:		
7	‘So like I said, the Board of		
8	Supervisors and Sheriff LaRue, they		
9	come together and conspiracy to deny		
10	us the right to transportation of water		
11	because they know we don't have		
12	wells out there. They legally attacked		
13	the local ranches. Well, a well that we		
14	used as a community a communal		
15	well. They've their water, their water		
16	ban. The ordinance specifically targets		
17	the road surrounding our community.		
18	So I'm not, that's not hyperbole, When		
19	I say that they stopped water from our		
20	area, they literally named the streets,		
21	the streets surrounding our subdivision		
22	as the streets that you can't get water		
23	delivery and you can't have water over		
24	ninety nine gallons or one hundred		
25	gallons. Six, seven showers worth of		
26	water. And if you do, you're going to		
27	get hunted down by the Sheriffs, the		
28	Sheriff's Office, like an animal. And		
	when the water ban went into effect, if		
	you go on to the sheriff page, they		
	were galvanizing locals to become		
	vigilantes and to assail any Asian		
	person who might have water. They		
	closed off all the public areas where		
	you can get water like the springs in		
	Shasta City. They wait there and they		
	took the Asian people. I've seen police		
	squad cars at our local Hmong store		
	waiting to ticket us if we have		
	anything more than ninety-nine		
	gallons of water. So this buildup of		
	tension, this unconstitutional,		
	discriminatory act of government		
	against our people already raise the		
	stakes and raise the tensions. Not only		
	that, they've galvanized the		
	community who already hates us, who		
	have dehumanized us to take action		
	and to say, hey, we can do this and		
	we'll get off scot free because the		
	Sheriff's county, the Sheriff's Office		
	isn't going to do anything about it.		
	They're going to turn a blind eye. And		
	like I said, maybe they're the ones		
	actively encouraging this. So we've		

1	had threats of arson. They took away		
2	our water and they've had locals who		
3	aren't even officially police or		
4	anything like that come into our area.		
5	I've had one of my friends, colleagues,		
6	he actually went to a Patriot meeting		
7	and they admitted that they went to		
8	our private properties and our private		
9	roads and the local D.A. congratulated		
10	them for their courage. So we've been		
11	assailed by the local community, not		
12	the whole community, the community		
13	who would be against us even if		
14	tomatoes are being grown in there.		
15	They believe that they have the full		
16	support of the tyrannical, despotic		
17	local government, Board of		
18	Supervisors and Sheriff LaRue. So		
19	they've been empowered to victimize		
20	us with violence. So when the fire		
21	came and we saw that the emergency		
22	services, Cal Fire, Siskiyou sheriff,		
23	weren't going to protect our property,		
24	we knew they weren't going to protect		
25	us. We've been predicting that they		
26	were going to try to burn us out the		
27	way they burned down Chinatown one		
28	hundred years ago. We went back and		
	we fought the fire to protect our own		
	community, protect our own people.		
	And as a result, they killed one of our		
	people. And this, like I said, is a		
	culmination of all the escalation		
	perpetuated by the local government,		
	the local tyrannical, almost dictator		
	shit like Board of Supervisors and		
	sheriff's office. And I want people to		
	know that this is what happened.		
	LaRue and the Board of Supervisors,		
	like I want to reiterate, they think that		
	they have a monopoly on the media		
	and they think that we are voiceless		
	people. But that's why I'm here doing		
	this hunger strike.”		
	¶44	Hearsay. (FRE 801)	Sustained: _____
	“I asked Zurg if he has had any	Irrelevant.	Overruled: _____
	contact with the local authorities. Zurg		
	replied: ‘I did speak with the Sheriff	Prejudicial, confusing and	
	deputies here who are in charge of the	misleading (FRE 403)	
	security of their new extravagant		
	courthouse. But it's just been a		
	conversation, a pleasant conversation		
	about my rights and what I can and		
	can't do on this property. But in terms		

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of like official people from the city or the county, no, nobody's contacted me and I think they're probably scared to contact me.””		
¶45 “I noted this was the third day of his hunger strike which stated this past Tuesday after the Board of Supervisor’s meeting. Zurg responded: ‘Yeah. Unofficially, though, I started the day before that event in preparation, but officially. Officially.’”	Hearsay. (FRE 801) Irrelevant. Prejudicial, confusing and misleading (FRE 403)	Sustained: _____ Overruled: _____
¶46 “I asked him how he was holding up. He replied: ‘I’m doing good. We actually had public health come here because they were notified that I was on a hunger strike. So they called in two nurses to check on my vitals. Pulse is good. Heartbeat good. Blood pressure's pretty high. It’s one hundred fifty over one hundred. I’ll give you that. And then I was sitting in the sun all day, so my temperature was about one hundred and two. But it was just it was like an external reading. It wasn’t like in my mouth or anything. And I don’t have any like feelings of illness or anything. And I don’t have any signs of any sort of mental illness. I’m very cognizant. I’m very aware of what’s going on. They can’t diminish what I’m doing. I call it mental health issue. It’s it’s a purposeful movement.’”	Hearsay. (FRE 801) Irrelevant. Prejudicial, confusing and misleading (FRE 403)	Sustained: _____ Overruled: _____
¶47 “I inquired about any media attention he may have received. Zurg stated: I’ve had a few interviews with local news stations. Is that what you're talking about? I mean, right, I've had a few interviews with local media from maybe like the big cities in Oregon, like Medford. I've had independent people come, the independent news people from Sacramento, from he's public in public health and everything's public record. He came and he discussed with me and he asked me if I could if he could share my details and	Hearsay. (FRE 801) Irrelevant. Prejudicial, confusing and misleading (FRE 403)	Sustained: _____ Overruled: _____

1	information with other outlets. I said, yes, sure. That the whole point is to get coverage. That's right. Yeah. No national news, but it's only day three. We'll wait until like eight, 30.”		
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4	¶48 “I asked if he had a cell phone of his own. Zurg stated he broke his phone fighting the fire and is using his mother’s.”	Hearsay. (FRE 801) Irrelevant. Prejudicial, confusing and misleading (FRE 403)	Sustained: _____ Overruled: _____
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7	¶49 “I inquired about his being involved in fighting the fire. Zurg stated: ‘That’s why I’m really exhausted. I fought that fire all week with my brothers and sisters. Like I have witnesses to show that I was there fighting nonstop. We were exhausted. You couldn’t sleep because of the fire.’”	Hearsay. (FRE 801) Irrelevant. Prejudicial, confusing and misleading (FRE 403)	Sustained: _____ Overruled: _____
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12	¶50 “I asked if he lost any property in the fire. He replied ‘No, I didn’t lose any property. We were one of the lucky ones. The fortunate ones. Yeah.’”	Hearsay. (FRE 801) Irrelevant. Prejudicial, confusing and misleading (FRE 403) Speculation.	Sustained: _____ Overruled: _____
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17	¶51 “On July 10, 2021, I spoke with Mike Sousa by phone. Mr. Sousa owns Mike Sousa Transport, and services the agricultural and commercial communities. He has been in the trucking business for twenty years. For much of the last five years, a large portion of his business has been hauling water in his commercial water tender.”	Hearsay. (FRE 801) Irrelevant.	Sustained: _____ Overruled: _____
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23	¶52 “Mr. Sousa stated he has to have a permit to haul water, the person who receives the water has to have a permit, and wherever he gets the water has to have a Groundwater Extraction Permit.”	Inadmissible opinion. (FRE 701) Lacks foundation. Speculation. Hearsay. (FRE 801)	Sustained: _____ Overruled: _____
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27	¶53 “The county issued him a permit from	Hearsay. (FRE 801)	Sustained: _____
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Public Works allowing him to haul water on County Road A12 with no problem. Two days later the same office called him and asked if he was available to haul water to someone in Shasta Vista.”		Overruled: _____
¶54 “The process went from Public Works doing the permitting to the county Planning Department doing the permitting.”	Hearsay. (FRE 801) Lacks foundation. Inadmissible opinion. (FRE 701)	Sustained: _____ Overruled: _____
¶55 “He said the county has done everything they could to hold him up on getting a Groundwater Extraction Permit.”	Hearsay. (FRE 801) Irrelevant. Prejudicial, confusing and misleading (FRE 403) Inadmissible opinion. (FRE 701)	Sustained: _____ Overruled: _____
¶56 “Mr. Sousa stated the Planning Department told him people were no longer required to get a permit to receive water, and that he would just have to let them know where he was taking it. To complete the Groundwater Extraction Permit, they need to know the addresses where he was to deliver the water. He said he delivers to various customers and doesn’t know where he is taking water until ‘his phone rings.’ To comply, he put addresses of properties owned by his uncle and property he owned, all in the Shasta Valley. They denied the permit saying these locations were not in the water basin. He said he doesn’t always know what the water is used for, he is just in the trucking business. He gets an order for water and he delivers it.”	Hearsay. (FRE 801) Lacks foundation. Speculation. Inadmissible opinion. (FRE 701)	Sustained: _____ Overruled: _____
¶57 “He spoke of a lady located in the Mildred area who had a permit to receive water. The Mildred area is east of Mount Shasta Vista and south of County Road A12. He said the lady has horses which require 20 gallons of water each day. He was denied his Groundwater Extraction Permit because her location ‘wasn’t in his	Hearsay. (FRE 801) Irrelevant.	Sustained: _____ Overruled: _____

	water basin.”		
1	¶58	Hearsay. (FRE 801)	Sustained: _____
2	“Mr. Sousa said he was told it was	Irrelevant.	Overruled: _____
3	okay to haul water on County Road		
4	A12 to a construction job at the Weed		
5	rest area on Interstate 5 and to work		
6	being done on a Union Pacific		
7	Railroad trestle on Mount Shasta near		
8	the town of Weed.”		
9	¶59	Hearsay. (FRE 801)	Sustained: _____
10	“He was told he could only deliver	Irrelevant.	Overruled: _____
11	water that was in the Shasta Water		
12	Basin where his source of water was.		
13	He asked for a map of the Shasta		
14	Water Basin and was directed to speak		
15	with Planning Director Kirk Skierski.		
16	He inquired of Mr. Skierski as to the		
17	boundaries of the Shasta Water Basin.		
18	He said Mr. Skierski’s response was		
19	the Shast Water Basin is ‘huge.’ He		
20	was told the construction jobs he was		
21	working on near Weed were in the		
22	Shasta Water Basin.”		
23	¶60	Hearsay. (FRE 801)	Sustained: _____
24	“Traveling on County Road A12 to	Irrelevant.	Overruled: _____
25	the construction sites, Mr. Sousa		
26	passed Mildred to get to those sites.”		
27	¶61	Hearsay. (FRE 801)	Sustained: _____
28	“Mr. Sousa stated he has been to the	Irrelevant.	Overruled: _____
	Planning Department not less than ten		
	to fifteen times ‘playing their game.’		
	He said he kept on asking questions as		
	to why his permit was not granted and		
	received different excuses why it		
	couldn’t be issued. He said his denial		
	letter left off addresses he gave them		
	and put addresses he did not apply for.		
	Mr. Sousa stated they left off the		
	Union Pacific location off the denial		
	letter.”		
	¶62	Hearsay. (FRE 801)	Sustained: _____
	“He said the lady with the horses is	Irrelevant.	Overruled: _____
	named Christine. He had been		
	assisting the firefighting efforts and	Prejudicial, confusing and	
	promised Christine when the	misleading (FRE 403)	
	evacuation was over, he would get her		
	water. Mr. Sousa stated he put her		
	address on a business card and looked		
	up her APN number and put it on the		
	card. He presented the card to a clerk		

1	named Lisa at the Planning Department. He said he knew that if they just looked at a map, they would tell him 'no.' Mr. Sousa suggested to Lisa the County have Code Enforcement Officer John Ankerberg go inspect the location and confirm she does grow marijuana, that she has many animals, and that is what she needs the water for."		
2	¶63	Hearsay. (FRE 801)	Sustained: _____
3	"Mr. Sousa stated the bottom line is they just did not want to issue the permit. His impression is they want to pick and choose who gets water. It is okay to haul water for construction projects or for anything other than to provide the water to Asians."	Speculation.	Overruled: _____
4		Inadmissible opinion. (FRE 701)	
5	¶64	Hearsay. (FRE 801)	Sustained: _____
6	"He mentioned the water delivery request he got from Public Works. He said he contacted the person he was delivering to make sure the water wasn't for any other purpose than he was told. He was told the delivery was because the person said they had 50 chickens and a bunch of dogs. He told the person it was for anything but that he wouldn't haul to them again. He stated that was exactly what the scenario was."	Lacks foundation.	Overruled: _____
7		Irrelevant.	
8	¶65	Hearsay. (FRE 801)	Sustained: _____
9	"Mr. Sousa told of having a Union Pacific job at Grass Lake. Not being allowed to travel on County Road A12, he would have to travel to Medford Oregon, and cut across the Cascades to Klamath falls for an extra four-hour drive. He contacted a Deputy Sheriff who relented and allowed him to travel on County Road A12 because it was fire-related."	Irrelevant.	Overruled: _____
10	¶66	Hearsay. (FRE 801)	Sustained: _____
11	"Mr. Sousa said the County put him in an awkward position. Before May 3rd he hauled water to anyone requesting it. After May 3rd he was required to get permits. He made the delivery the county requested believing they worked to bring two people together. However, since he hauled the water	Irrelevant.	Overruled: _____

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requested by public works and people saw his truck was on the road, his phone hasn't quit ringing with people needing water. He can't comply with their requests."		
¶67 "Because of the demand he has for water, Mr. Sousa asked the county if they can't issue him a Groundwater Extraction Permit to tell him where he can get water or tell him of someone else who can haul water."	Hearsay. (FRE 801) Irrelevant.	Sustained: _____ Overruled: _____
¶68 "Mr. Sousa stated he is almost to the point of taking his tank off his truck and going back to hauling rock. His truck costs him \$2500 year for fees and is standing idle. He mentioned that hauling water is not as lucrative as has been portrayed in the media."	Hearsay. (FRE 801) Irrelevant.	Sustained: _____ Overruled: _____
¶69 "He said the county has a problem but the way they are going about it is wrong. In his opinion, they just want the grows and the Asians just to leave. He said they pass these laws but you can violate the court order for some places and they won't say anything but are going to come down on you if you go to other places."	Hearsay. (FRE 801) Irrelevant.	Sustained: _____ Overruled: _____
¶70 "Mr. Sousa said he knows of another Caucasian who has a construction company whose business is on County Road A12 who is afraid and won't take his truck out."	Hearsay. (FRE 801) Irrelevant. Prejudicial, confusing and misleading (FRE 403)	Sustained: _____ Overruled: _____